

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *[Signature]* D.C.
05 JUN 22 PM 12:01
ROBERT R. DI TROLO
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

**WACHOVIA COMMERCIAL
MORTGAGE, INC., d/b/a Wachovia
Small Business Capital, and formerly
known as The Money Store Commercial
Mortgage**

Plaintiff,

vs.

Civ. No. 05-2256-MA/P

**SANDHYA HOTELS, LLC, CHARLES
S. MORAIS, and SUNIL P. MIR,**

Defendants.

SCHEDULING ORDER

Pursuant to written notice, a scheduling conference was held on Thursday, June 23, 2005 before the Honorable Tu M. Pham, United States Magistrate Judge for the Western District of Tennessee. Present were James R. Newsom III and Timothy D. Patterson, counsel for plaintiff, and Roscoe A. Feild, counsel for defendants. At the conference, the following dates were established as the final dates for:

INITIAL DISCLOSURES PURSUANT TO Fed.R.Civ.P. 26(a)(1): Friday, July 8, 2005.

JOINING PARTIES: Tuesday, August 23, 2005.

AMENDING PLEADINGS: Tuesday, August 23, 2005.

INITIAL MOTIONS TO DISMISS: Friday, September 23, 2005.

COMPLETING ALL DISCOVERY: Friday, February 24, 2006.

12

(a) DOCUMENT PRODUCTION: Friday, February 24, 2006.

(b) DEPOSITIONS, INTERROGATORIES AND REQUESTS FOR ADMISSIONS: Friday, February 24, 2006.

(c) EXPERT WITNESS DISCLOSURE (Rule 26):

(1) DISCLOSURE OF PLAINTIFF'S RULE 26 EXPERT INFORMATION: Friday, December 23, 2005.

(2) DISCLOSURE OF DEFENDANT'S RULE 26 EXPERT INFORMATION: Monday, February 23, 2006.

(3) EXPERT WITNESS DEPOSITIONS: Friday, February 24, 2006.

FILING DISPOSITIVE MOTIONS: Friday, March 24, 2006.

OTHER RELEVANT MATTERS:

No depositions may be scheduled to occur after the discovery cutoff date. All motions, requests for admissions, or other filings that require a response must be filed sufficiently in advance of the discovery cutoff date to enable opposing counsel to respond by the time permitted by the Rules prior to that date.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or the service of the response, answer, or objection, which is the subject of the motion, if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or the objection to the default, response, answer, or objection shall be waived.

This case is set for a **non-jury** trial. The pretrial order date, pretrial conference date, and trial date will be set by the presiding judge. It is anticipated that the trial will last approximately **one to two (1-2) days**.

This case is appropriate for ADR. The parties are directed to engage in court-annexed attorney mediation or private mediation after the close of discovery.

The parties are reminded that pursuant to Local Rule 11(a)(1)(A), all motions, except motions pursuant to Fed. R. Civ. P. 12, 56, 59, and 60 shall be accompanied by a proposed order.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is

necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

At this time, the parties have not given consideration to whether they wish to consent to trial before the magistrate judge. The parties will file a written consent form with the court should they decide to proceed before the magistrate judge.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

IT IS SO ORDERED.



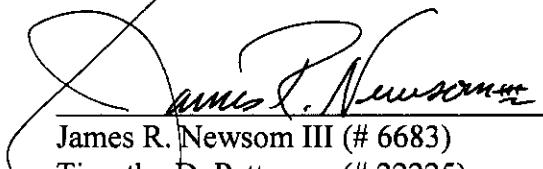
TU M. PHAM
United States Magistrate Judge

June 22, 2005

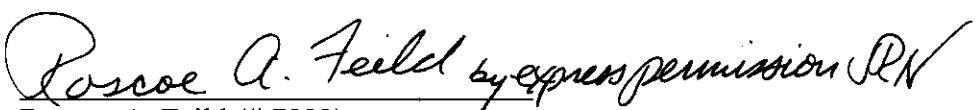
Date

APPROVED FOR ENTRY BY:

HARRIS SHELTON HANOVER WALSH, PLLC



James R. Newsom III (# 6683)
Timothy D. Patterson (# 22225)
2700 One Commerce Square
Memphis, Tennessee 38103-2555
(901) 525-1455
Attorneys for Plaintiff



Roscoe A. Feild (# 7822)
239 Adams Avenue
Memphis, Tennessee 38103
(901) 525-0257
Attorney for Defendants



Notice of Distribution

This notice confirms a copy of the document docketed as number 12 in case 2:05-CV-02256 was distributed by fax, mail, or direct printing on June 22, 2005 to the parties listed.

Timothy D. Patterson
HARRIS SHELTON HANOVER WALSH, PLLC.
One Commerce Square
Ste. 2700
Memphis, TN 38103-255

Roscoe A. Feild
LAW OFFICES OF ROSCOE A. FEILD, JR.
239 Adams Avenue
Memphis, TN 38103

James R. Newsom
HARRIS SHELTON HANOVER WALSH, PLLC.
One Commerce Square
Ste. 2700
Memphis, TN 38103-255

Honorable Samuel Mays
US DISTRICT COURT